



EPK

Attorney Docket No. 22271.00

Customer No. 37833

Confirmation No. 1700

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN THE *PATENT* APPLICATION OF:

APPLICANT : **TERRA SIMMONS-GETTIG**

APPL. NO. : **10/774,438**

ART UNIT : **3728**

FILED : **FEBRUARY 10, 2004**

EXAMINER : **PATTERSON, M.**

FOR : **PLATFORM SHOE WITH STORAGE COMPARTMENT**

MAIL STOP AMENDMENT  
COMMISSIONER FOR PATENTS  
ALEXANDRIA, VA 22313-1450

**RESPONSE TO ELECTION REQUIREMENT**

Sir:

In the Office action dated November 17, 2005, the Examiner required an election of species under 35 U.S.C. § 121 prior to an examination on the merits of application. The separate species of the claimed invention as identified by the Examiner are as follows:

- Species I : Figure 1.
- Species II : Figure 2.
- Species III : Figure 3.
- Species IV : Figure 4.
- Species V : Figure 5.
- Species VI : Figure 6.
- Species VII : Figure 7.
- Species VIII : Figure 8.

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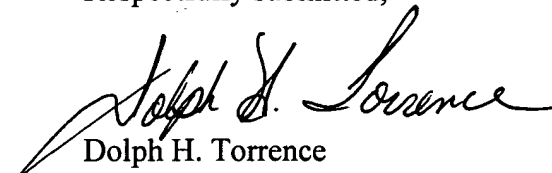
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In compliance with the Examiner's requirement, Applicant provisionally elects with traverse for further prosecution the embodiment shown in Figure 6 (designated as herein as Species VI). Claims 1-3, 5-9, 13 (*second occurrence*) and 14 are considered to be readable on the elected species.

Notwithstanding the propriety of the election requirement for examination purposes, Applicant contends that she should be entitled to a consideration of a reasonable number of related embodiments falling within the scope of a generic inventive concept. Moreover, it would appear that a search and examination of the entire application could be accomplished without a serious burden on the Examiner since the multiple embodiments identified of record would seemingly encompass a common field of search.

Accordingly, it is respectfully requested that the Examiner withdraw the election requirement, and issue an action on the merits of all the embodiments presently in the case. Alternatively, should the Examiner maintain the requirement and make it final, Applicant awaits a complete action on the merits of the elected subject matter.

Respectfully submitted,

  
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